

REMARKS

Claims 1-14 and 17-25 are pending herein, with Claims 1 and 25 being independent claims. Claims 1-6, 9-14, and 17-25 are rejected. Claims 7 and 8 are objected to. Claims 31-39 are withdrawn from consideration.

35 U.S.C. § 103:

Claims 1, 4-6, 9, 10, 12-14, 17-21, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over German Reference No. D 444 5436 in view of U.S. Patent No. 4,735,133 to Paoletti. The German reference was described as showing a milk source, an air inlet system, a steam inlet system, a mixing area, and an expansion area. Paoletti was described as showing a mixture nozzle having a hollow nozzle block.

As a preliminary matter, the Applicant notes that the combination fails to render the claims herein unpatentable. Claim 1, for example, specifically defines the mixing area as including the mixture nozzle positioned within a hollow nozzle block. Likewise, the mixing area is used to mix the pressurized mix, pressurized air, and the steam. In Paoletti, however, only the milk and the air are mixed within the mixing area D. Rather, the steam exits via the nozzle 7 and is dispensed via port 14. As such, neither reference shows a mixing area to mix the pressurized milk, the pressurized air, and the pressurized steam that includes a mixture nozzle positioned within a hollow nozzle block.

Nonetheless, the Applicant has amended the independent claims to indicate that the mixture nozzle is tapered. *See* Paragraph 31 and Fig. 2. The taper allows the fluids to mix and expand as they travel down the mixing area. No such structure is shown in the references. Rather, Paoletti uses a vacuum for mixing as opposed to a contact surface and the German

reference has no internal structure. The Applicant thus submits that the independent Claims 1 and 25, and the dependent claims thereon, are patentable over the cited references.

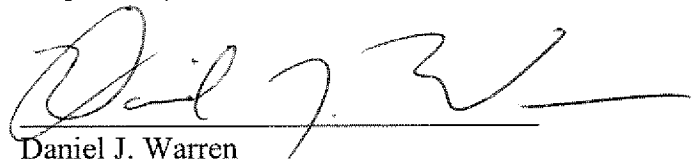
Claims 2, 3, and 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over the German reference in view of Paoletti and in further view of Hourizadeh. The Applicant respectfully traverse the rejection for the reasons described above.

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over the prior art as applied to Claims 1, 5, and 10, and in further view of Detsch. The Applicant respectfully traverses the rejections for the reasons described above.

CONCLUSION

The Applicant believes that it has responded to each matter raised in the Office Action. Allowance of all claims is respectfully solicited. Any questions may be directed to the undersigned at 1.404.853.8028.

Respectfully submitted,



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SAB Docket No. 25040-0912